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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,928	06/07/2001	Kell Michael Jensen	042390.P10678	1359

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EXAMINER

EDELMAN, BRADLEY E

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,928

Applicant(s)

JENSEN ET AL.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to Applicant's amendments and remarks filed on April 6, 2005. Claims 1-18 are presented for further examination. Because the claim amendments necessitated the new grounds for rejection, this action is final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5, 7, 8, 12, 14, 15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al. (U.S. Patent No. 6,421,733, hereinafter "Tso").

In considering claim 1, Tso discloses a method to retrieve information, comprising:

receiving a first request for information from a client over a first connection (i.e. client makes a request to a "transcoding server," col. 3, lines 12-13, 18-23);

retrieving said information over a second connection (i.e. transcoding server retrieves it from an Internet content server, col. 3, lines 41-43);

detecting that said first connection is terminated (inherent for HTTP requests upon completion of the requested transaction);

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receiving a second request for said information over a third connection (i.e. client will make a second request for the information);

determining whether said second request matches said first request, including whether said second request is from said client (col. 5, lines 36-40, describing checking the cache in response to a second request based on "information," col. 7, lines 21-38, describing that the "information" can be information about the "network client," including "user identity"); and

sending said information over a third connection to said first network node in accordance with the determination (col. 3, lines 41-44).

See also, col. 6, lines 9-50, describing various steps of the claimed invention.

In considering claim 8, claim 8 describes the same method as claim 1, but discloses which devices in the system are performing the claimed steps. These devices are the same as taught by Tso and disclosed above.

Claim 8 further describes "receiving a notice that said first connection is terminated." This occurs when the client receives the data back from the proxy server. Such receipt serves as notice that the first connection was received and is terminated.

In considering claim 15, claim 15 presents an article with a storage medium and instructions for performing the same steps as claim 1, and is thus rejected for the same reasons as claim 1.

In considering claims 5 and 12, Tso further discloses that the information is an HTML file (col. 3, line 54, "HTML").

In considering claim 7, 14, and 18, Tso further discloses receiving a request to terminate said third connection (inherent after an HTTP request and retrieval of data), and terminating the second and third connections (again, inherent in completing the data transfer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 9-11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso.

In considering claims 2, 9, and 16, Tso further discloses that the first request comprises a first source information (i.e. client's user ID, modem/interface information, etc.) and a first information address (i.e. the URL of the remote server), further comprising storing said information with said first source address and said first information address in an information table prior to receiving the second request (col. 4, lines 1-5, 50-65 describing storing the information and destination URL in the cache; col. 7, lines 20-29, describing storing the source information). Note that Tso describes

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storing a client's user ID and/or modem or interface information in the with the information and information address. Although the cited sections do not say so, detecting an IP address upon receiving a request is a common way to determine which client or user is making the request. Tso discloses this in col. 10, lines 8-32, which describes storing the client's IP address in a separate table for authentication purposes. Thus, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claims 3 and 17, Tso further discloses that the second request comprises a second source information (i.e. client user ID, modem information, etc.) and a second information address (i.e. the server URL), and said determining comprises:

Searching said information table to determine whether the second source information matches the first source information (i.e. determining the client user ID, etc. and comparing it with the stored information); and

Determining whether said first information address matches said second information address (i.e. the proxy determines whether the requested URLs are the same to determine whether to use the cached data).

Again, given Tso's teaching of using IP addresses to identify clients, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claim 4, Tso further discloses that the source addresses comprise Internet addresses ("IP addresses") and the information addresses comprise uniform resource locators ("URLs").

In considering claim 10, Tso further discloses that the second request comprises a second source information (the client user ID, etc. and comparing it with the stored information) and a second information address (i.e. the server URL), and said determining comprises:

Searching said information table to determine whether the second source information matches the first source information (i.e. determining the client user ID, etc. and comparing it with the stored information); and

Determining whether said first information address matches said second information address (i.e. the proxy determines whether the requested URLs are the same to determine whether to use the cached data, p. 24, ¶ 3-4); and

Sending the information in accordance with said determination (i.e. the proxy sends the information from the cache if the URLs match).

Again, given Tso's teaching of using IP addresses to identify clients, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claim 11, Tso further discloses that the source addresses comprise Internet addresses ("IP addresses") and the information addresses comprise uniform resource locators ("URLs")..

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso, in view of well-known Internet standards.

In considering claims 6 and 13, although Tso does not disclose that the information comprises an XML file, Examiner takes Official notice that XML is a notoriously well-known language for files on the Internet. Given this knowledge, it would have been obvious to use XML in the system taught by Tso, in addition to or instead of HTML, because XML has numerous advantages over HTML (such as creation of customized tags, supporting links that point to multiple documents, etc.).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

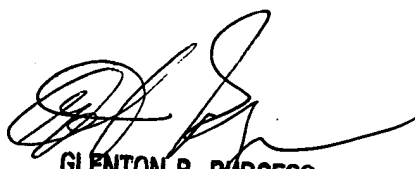
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BE
June 6, 2005



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